

Appendix i: Representations and Consultations

Southbourne Parish Council

Further comment received 24.01.2023

The attached report [see file for report titled 'Nutbourne Flood Study Interim Update'] was completed as part of the Southbourne Parish Council Neighbourhood Plan. At the Planning Committee meeting of 19th Jan, it was agreed to share this report with a selection of relevant parties specifically with reference to this application:

Harris Scrap Yard - 22/01283/FULEIA: Operation watershed report is paramount to this application and our continued objection to the application. Metis should have already seen this when they were part of the NP2 consortium but if not, this report proves that everything just cannot be sent into the Ham Brook. A far more robust mitigation, attenuation of surface water is absolutely imperative.

NPPF July 2021 clearly states:

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

No development lives in isolation and the cumulative effects must be taken into account throughout the parish.

Original comment received 19.06.2022

Members of the Southbourne Parish Planning Committee met on Thursday 14th July and received an address from Metis Homes in support of this application. There was a short question and answer session also. Following discussions Members agreed to object to the application for the following main reasons:

- Drainage: The site is prone to flooding. Thornham do not have sufficient capacity. The on-site sewage system is not adequate.
- Contamination: The reports provided do not evidence that the site will be sufficiently decontaminated.
- Connectivity: The site has not been 'future proofed' and does not allow for connectivity with prospective sites. There are no proposed cycle routes.

The Committee wishes to add that they are in full support of the objection made by Roy Seabrook on 18/07/22.

Chidham and Hambrook Parish Council

Chidham & Hambrook Parish Council objects to this planning application on the basis of the effect this development would have on Nutbourne and Southbourne and supports the comments made by Chichester Harbour Conservancy.

Environment Agency

The EA request that flood risk, groundwater and contaminated land conditions are attached to any planning permission granted and that the details in relation to the conditions be submitted and approved by the LPA.

Foul Drainage

Please note if the proposed development cannot connect to mains as submitted the use of a private package treatment plant would not be acceptable to the Environment Agency.

The provision of private sewerage to developments should not be seen as an alternative to proper infrastructure planning and brings additional issues around householder liability. Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

Lack of capacity or plans to improve capacity in the sewer is not valid justification for a development to install a private sewerage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to a public foul sewer. In these cases, if an applicant decides to apply for a water discharge permit for private treatment facilities, we are likely to refuse to grant the permit.

[Officer note – The private sewerage system has been removed from the scheme.]

Natural England

Further information required to determine impacts on designated sites.

As submitted, the application could have potential significant effects on: Chichester Harbour Site of Special Scientific Interest (SSSI), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, as well as Solent Maritime Special Area of Conservation (SAC).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. provide a Habitats Regulations Assessment.
- Further consideration surrounding the long-term monitoring, management and enforcement of a non-woodland nutrient mitigation scheme remaining in private ownership.

Without this information, Natural England may need to object to the proposal.

National Highways

No objection, subject to securing a contribution of £201,936 (112 dwellings x £1,803 per dwelling). This contribution will be subject to indexation from 2012 Quarter 3 to current prices at the time of payment and is to be paid prior to the occupation of 56 dwellings.

[Officer note – The quantum of development has been reduced to 103 dwellings]

Network Rail

Further comment received 29.03.2023

Network Rail no longer consider the request for contributions will meet the statutory tests for planning obligations, hence it has been withdrawn.

Despite this, Network Rail are still concerned by the impact of cumulative development within this area on the level crossings. Although planning obligations from this development may not be the correct mechanism to secure funding for the railway, Network Rail will be exploring other options such as CIL funding, once the next CIL consultation is released.

Further comment received 04.11.2022

Following an internal consultation with our Level Crossings Team, Network Rail is concerned about impact the development will have on level crossings in the vicinity of the site. In addition, in ensuring the safety of new residents of the development who will use the crossings.

The crossing most likely to be affected by the development is Copse footpath crossing. The developer has provided a traffic assessment which considers the effect at the road crossings, but there is nothing that mentions the flow of pedestrians that would be drawn to use FP257 on the boundary of the new development.

In order to fully assess the proposal, Network Rail request the applicant provides a prediction of the number and types of people they would envisage using the footpath crossing. Network Rail will then be able to use these figures in their modelling. Alternatively, Network Rail are open to engaging with the applicant to discuss what they feel would be a reasonable increase.

GoVia Thameslink Railway

Further comment received 26.10.2022

The West of England LCWIP states *"Continuous footway A method of asserting pedestrian priority over vehicle turning movements at side junctions by continuing the footway material across the access mouth of the junction. This also provides strong visual priority to the pedestrian. A 'continuous cycleway' can be added in a similar way if a cycle lane is present"*

Therefore, the GTR objection still stands unless the footway is made continuous between the development and railway station by providing a continuous footway across the 5 side roads, and a continuous footway provided across the entrance to the development that is available for use when the first occupants move into the development.

How this is achieved is for the Council to decide, but probably the best way to ensure it is delivered is a S106 for funding from the developer.

There is a clear choice here between accepting existing substandard infrastructure, thus preventing Chichester District Council policy 8 and West Sussex County Council objective 17 from being achieved in Southbourne by contributing to growth of car use; or taking the opportunity to provide active travel infrastructure of high enough quality to encourage new residents to walk to the railway station and use the train.

GTR hope the planning authority follows Council policy objectives to encourage modal shift and this gives a steer on the way forward for GTR to withdraw their objection and support this development.

Further comment received 02.09.2022

While GTR agree with the developer that it is not their responsibility to provide the full infrastructure, development must not be occupied until the active travel infrastructure is in place whoever funds it.

It is the responsibility of the planning authority to comply with Chichester Local Plan Strategy for Transport 'Policy 8: Transport and Accessibility.'

"The Council will work with West Sussex County Council, other transport and service providers and developers to improve accessibility to key services and facilities and to provide an improved and better integrated transport network. This will include:

- *Planning to achieve timely delivery of transport infrastructure needed to support new housing, employment and other development identified in this Plan."*

and with The West Sussex Transport Plan Review (2022-2036) *"Objective 17: Extend and improve the network of active travel facilities...so it is coherent and high quality enough to make active travel an attractive option for short distance trips."*

Neither the cycle or walking route between the development and Southbourne Railway station are continuous and in places are extremely dangerous, which significantly reduces the number of journeys made walking and cycling which also reduces the number of people who would use the train to travel to main destinations for people of Southbourne of Havant, Chichester and Portsmouth.

As a minimum, approval of this planning application MUST be put on hold until

- plans are developed to make the walking route to Southbourne station continuous so that in the 5 places it conflicts with motor vehicles it is obvious they are crossing a pedestrian route and must give way to cross while people walking can continue their journeys without feeling intimidated to wait for cars contrary to the Highway Code. This infrastructure must be completed before the first residents move into this development.
- The junction of the development access road MUST be redesigned so that the walking route is continuous and motor vehicles give way to walkers.

Permitting new infrastructure that does not have compliance with the Highway Code built in, puts the Council Taxpayer at risk of compensation claims when a pedestrian gets injured, because, although the main culpability will be with the driver not driving with due care and attention, he will have a defence that the road layout design does not indicate pedestrian priority and is therefore partly culpable for the driver not complying with the Highway Code as we see at many road junctions where drivers are not waiting for walkers to cross.

The planning authority should also work with the Highways Authority and ensure plans are developed to make NCN 2 safe and compliant with a plan in place before approving this development.

The planning authority should make a condition of this development a contribution towards funding this walking infrastructure and possibly cycling infrastructure, along with other sources of funding as this will benefit the whole community, improve safety, increase active travel journeys and rail journeys reduce car journeys which ultimately also increases, health, wellbeing and economic activity.

GTR looks forward to seeing the proposals for bringing walking and cycling routes between the development and Southbourne railway station up to the required standard, that are continuous, direct, safe, attractive and comfortable and then GTR will be happy to withdraw their objection.

Original comment received 09.08.2022

The walking and cycle routes are not continuous, and people have to enter a hostile road environment on numerous occasions to access the railway station from the development. This lack of continuity reduces the proportion of people walking because they feel unsafe as well as extending walk times waiting to cross roads. This in turn reduces potential use of the rail network as people once in a car tend to drive all the way, e.g. to Chichester, rather than walk to the station and travel by train.

GTR looks forward to seeing the proposals for bringing walking and cycling routes between the development and Southbourne railway station up to the required standard, that are continuous, direct, safe, attractive and comfortable and then GTR will be happy to withdraw their objection.

GTR will be happy to give our wholehearted support for this planning application if in addition walking and cycle routes provision as described above, car parking provision is reduced as described above and set out in WSCC Guidance on Parking at New Developments (Sept 2020) para 5.4 to encourage walking and cycling to access and increase train travel rather than driving.

Scottish and Southern Electricity Network

No objection. Advice provided regarding a SSEN underground high voltage that appears to cross the front of the proposed entrance way. A quotation from SSEN would need to be obtained to lower the cable if a dropped kerb is to be installed.

Southern Water

Further comment received 12.01.2023

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

Original comment received 27.07.2022

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of Southern Water's network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable Southern Water to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: *'Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate Wastewater network capacity is available to adequately drain the development.'*

The applicant states use of private wastewater treatment works as a temporary measure until sufficient capacity is available in sewerage network. The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works until sewer upgradations are completed.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Southern Water request that should this planning application receive planning approval, the following condition is attached to the consent: *'Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'*

Portsmouth Water

No objection due to site's location outside of Portsmouth Water's groundwater catchment Source Protection Zones.

South Downs National Park Authority

Further comment received 06.01.2023

The SDNPA was originally consulted on the application when it was first submitted and sent a response in July 2022. In that response SDNPA drew attention to the proposed Southbourne Wildlife Corridor and the need for the development to respect

and enhance this corridor. SDNPA also highlighted the SDNP Dark Skies Reserve designation and the need for lighting to be carefully considered and a lighting strategy secured.

SDNPA would wish to maintain these concerns and acknowledge that the Council's Environment Officer has provided further advice regarding the wildlife corridor and impacts of lighting upon nocturnal species. SDNPA also maintain their previous comments with regard to opportunities to improve connections for cyclists and walkers.

Original comment received 08.07.2022

Part of the proposed Southbourne Wildlife Corridor would pass through the eastern side of the site, and was identified in the CDC Wildlife Corridor Study as having potential both as a wetland network and bat network. This corridor has been incorporated into the proposals, but SDNPA support the conclusions of the Council's Environment Officer with regard to the need for additional information.

In 2016 the National Park was designated as an International Dark Night Skies Reserve. Development outside of the National Park (even when in close proximity to existing sources of sky glow) can adversely affect sky quality within the DNS Reserve. The impacts of lighting both during and after construction should be carefully considered and a lighting strategy should be secured in line with the recommendations in the submitted Lighting Technical Report, along with any further requirements from the Council's Environment Officer with regard to nocturnal species.

Where developments are proposed along the coastal plain between the SDNP and AONB, the SDNPA has previously sought improved connections for non-motorised users between the two protected landscapes. The A259 is well-used by cyclists and is designated as part of the National Cycle Network (NCN 2). It extends from Emsworth to Chichester and provides a link with the Salterns Way and Centurion Way, which respectively provide safe access to the AONB and National Park. However, this route, known locally as CHEMROUTE, does not meet current standards for cycle routes, and has been identified as a priority for improvement by local stakeholders, being ranked no. 2 in a list of priority inter-community utility routes identified in the WSCC Walking and Cycling Strategy. Given the likely increase in usage generated by this and other recent/proposed developments along the A259, SDNPA would recommend investigation of how the proposed development could contribute towards the improvement of this route.

Sussex Police

Children's Nursery

The applicant is directed to the Secure by Design website where the Secured by Design (SBD) New Schools 2014 Document can be found. This document provides

design guidance and specification requirements for reducing the risks for crime against people and property in all schools and school grounds such as burglary, theft, arson, vehicle crime and assault. The same advice is also intended to reduce the fear of crime and the incidence of anti-social behaviour. Consequently, consideration is given to both environmental design and physical security.

Residential

The applicant is directed to the Secure by Design website where the SBD Homes 2019 Version 2 document can be found.

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

With regards to the apartments - from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Tradesperson buttons are not recommended as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development.

Additionally, Sussex Police recommend the postal arrangements for the apartments are through the wall or externally mounted secure post boxes. Sussex Police strongly urge the applicant not to consider letter apertures within the apartment's front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

In relation to areas of play throughout the development - these should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access.

Sussex Police would also ask that play areas are surrounded with railings with self-closing gates to provide a dog free environment.

In relation to cycle & pedestrian links throughout the development, the applicant is referred to the SBD Homes 2019 Version 2 document chapter 8.

With regards to cycle storage throughout the development - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of

cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows: o Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; o Minimum foundation depth of 300mm with welded 'anchor bar'.

In order to maintain as much natural surveillance as possible - ground planting throughout the development should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will enable capable guardians to report incidents to the authorities should they occur. A capable guardian has a 'human element' that is usually a person who, by their mere presence would deter potential offenders from perpetrating a crime.

Finally, lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues. Recent events that have made national news have become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. It is also recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case, it is acceptable. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Sussex Police also note the addition of design amendments to the masterplan and elevations which have been reviewed. Sussex Police raise no concerns from a crime prevention viewpoint.

Sussex NHS Commissioners (CCG)

CIL planning response covers this as part of existing CIL funds assigned.

WSCC Education

In response to the nursery provision we would like to offer the following:

Using the WSCC calculations, a site with 112 residential units would potentially generate the need for only 6 new early years and childcare places. Over provision across the area could have a detrimental impact on current provision serving the area. Any plans should ensure they meet the requirements as per the Early Years Statutory

Guidance and comply with health and safety legislation including fire safety and hygiene requirements

For education in general we would like to offer the following:

Contributions from this development will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. (For the avoidance of doubt, Education covers all children from 0-18 and up to 25 for SEND pupils) School places are limited in the locality expansion of existing facilities is expected to be required to accommodate the development.

WSSC Highways

Further comment received 10.01.2023

Background

Following the request for further information the LHA advised No Objection on transport grounds to the proposals in our response from the 6th October 2022. The transport aspects of the application were supported by a Transport Assessment (TA), Framework Travel Plan,

Transport Assessment Addendum and a Consultation Response Technical Note. These reports all formed part of the LHA's previous comments.

Following this the proposed site plan has changed. The changes to the site plan include a reduction in the scale of the development, from 112 units to 103 units a reduction of nine units. A further Transport Impact of Layout Changes has been provided by the applicants consultant, this gives context to the proposed changes and their impacts on the development.

Comments

The LHA previously advised there would not be grounds to resist the application on capacity grounds. As a result of these modifications the reduction in the number of units will see a small decrease in traffic movements over the previously commented on scheme. The decrease will be of five vehicle trips during each peak hour, and a decrease of 42 trips across the 07:00-19:00 period. Therefore no capacity concerns would be raised with these amendments.

The revised site plan includes no changes to the internal road alignment. The central parking court and its associated access have been moved slightly north, however the arrangement of the access to this parking court is unchanged. In two other locations

the parking arrangements have changed but it has been demonstrated that these are still workable as per the previous LHA comments.

Conclusion

Having considered the latest information from the applicant the LHA would advise that no concerns would be raised with the proposed amendments. The previous conditions and informative advised in our consultation response from October 2022 would still stand in light of the latest proposals.

Further comment received 16.11.2022

To confirm the Travel Plan fee would be £3,500 in line with the Travel Plan Auditing guidance we implemented in April 2021.

Further comment received 06.10.2022

No objection.

The LHA initially commented on the proposals in August 2022, capacity impacts were agreed in this response however other areas of information were requested from the applicant, these were:

- Visibility splays should be shown from the point of access onto the A259. Within the original Scoping Note it was demonstrated that visibility splays of 2.4m x 120m in accordance with the 40mph speed limit on the A259 Main Road are achievable. This should be provided in support of this full application.
- The RSA has been carried out in accordance with GG119 Parameters and a Design Organisation Response has been provided on the problems raised. It is advised that the Designer's Response to points 3.3.1 and 3.4.1 of the RSA are reviewed by the Auditor to confirm that they address the points raised.
- An inspection of the latest TA does not appear to show that a Design Audit (DA) has been carried out for the proposed A259 right-turn lane access. The LHA has not reviewed a DA at this stage and we would request this this is carried and reviewed by the LHA.
- Confirmation is required regarding access to the Chichester Caravans site and whether this was considered in detail as part of the RSA.
- Further details should be provided in relation to facilitating pedestrian crossing movements over the A259.

The applicant has now provided a Transport Assessment Addendum (TAA) to address these points. In order of reference the following comments would be provided.

Visibility

The visibility splay assessment drawing has been revised to show an additional splay looking east from the proposed access to the westbound carriageway. This second

splay is in the secondary direction of the site access and the presence of a traffic island to the east of the access junction means that vehicles would not be travelling/overtaking using the north side of the road. This has been included within Appendix C of the TAA. The LHA would be satisfied with this latest drawing.

RSA

The original Auditor has been consulted on the Designers Response and have confirmed that access to Chichester Caravan Site was considered throughout the RSA Audit. The Designers Response to point 3.4.1 has been noted and accepted. 3.13 M&S Traffic has commented on the Designers Response to point 3.3.1. They note that the on-street parking at the Chichester Caravan access could still obstruct visibility splays from the junction despite the additional visibility splay to the east of the proposed access and suggested that this issue should be assessed as part of a Stage 3 RSA. If it is still an issue after a Stage 3 RSA, the introduction of parking restrictions at this location would be considered. The LHA would be satisfied with both aspects of the Auditors comments and consider that these areas are now addressed.

Finally, the Auditor has confirmed that the Chichester Caravans site was included within the Audit.

DA

The DA within the applicants TAA has been assessed by the LHA's Projects Manager within the Highways Agreement Team. We are satisfied that the audit has shown that the design complies with Design Manual for Roads and Bridges (DMRB), namely CD123. One small area of change we would advise is for consistency, the lanes on the A259 should match the existing ones - it seems the proposed lanes might not match the existing ones. The LHA would consider this is an area that can be tweaked at the Stage 2 Detailed Design stage of the application however.

Pedestrian Crossing Facility

A revised drawing has been submitted in Appendix C of the TAA. This crossing point will be equipped with dropped kerbs, tactile paving and a pedestrian refuge island. In addition to the proposed western pedestrian crossing point, a second pedestrian crossing point has been proposed across the site access junction. This crossing point will be equipped with dropped kerbs and tactile paving.

Capacity

Please see our earlier response from August 2022-in summary the LHA were satisfied with the areas of modelling and trip generation submitted and did not raise any concerns with the information submitted. A more detailed analysis has already been submitted to the Local Planning Authority.

Accessibility and Sustainability

The original Transport Assessment (TA) submitted in support of this application provides an analysis of sustainable transport opportunities within the immediate vicinity. Having assessed this document the LHA considers that the location is in an accessible location.

At the site frontage, continuous footways are provided on the northern side of the carriageway that link the local services and amenities within Southbourne to the site. National Cycle Route 2 travels immediately past the site along Main Road and provides on road routes to Chichester and Havant. The site has access to regular bus services to Portsmouth and Chichester are provided at the closest bus stop to the site which is Farm Lane Bus Stop. Southbourne Railway Station is located approximately 1.4km northwest of the site and provides direct trains to many destinations including Portsmouth, London, and Brighton.

A259 Chichester to Emsworth Walking and Cycling Improvements

A feasibility document for a proposed Chichester to Emsworth Cycle Route was published by National Highways in 2021. Since this publication and initial engagement period with the public a number of individual respondents and local stakeholder groups voiced opposition to the proposed shared use cycleway footway in preference to cyclists continuing to ride on the carriageway sharing with vehicles rather than pedestrians. Specifically, the preference is for on carriageway riding to be segregated from traffic where space permits, or assisted by 20mph speed limits where segregation is not achievable.

Following this feedback, the LHA has engaged with National Highways to see if it would support such a change to the scheme. National Highways has indicated it would be willing to consider such a scheme, provided the council establishes to what degree lower speed limits can effectively create a safer, more attractive environment for active travel. The current expectation is that National Highways, the County Council, Sustrans and other key stakeholders will then be able to consider to what degree lower speeds limits along the route, supported by other engineering measures, might enable an alternative on-road scheme to be designed. Any changes to the proposals will need to align with the Government's cycle infrastructure design guidance LTN/120.

The TAA confirms if the plans were to be brought forward, the proposed site and access arrangements would not prejudice the deliverability of a cycle route.

Parking and Layout

The application will provide both car and cycle parking in accordance with LHA parameters. The residential development is required to provide 222 parking spaces which will be allocated to residents with an additional 23 parking spaces allocated to visitors. The TA indicates that the proposals will provide 250 residential parking spaces with 23 visitor spaces. 13 spaces will be allocated for disabled parking. Therefore, the proposals are within the required parameters of the LHA's parking standards.

The TA provides swept path analysis diagrams which have been undertaken to ensure that a large refuse vehicle can enter all necessary parts of the site and exit the site in forward gear. These are demonstrated within Appendix G of the original TA. The LHA would be satisfied with these drawings.

Conclusion

Having considered the information within the TA and the subsequent TAA the LHA would not raise an objection to the proposals. It is considered that both the TA and TAA have demonstrated that the proposals would not result in a 'Severe' residual impact on the adjoining highway in accordance with Paragraph 109 of the National Planning Policy Framework (NPPF). Any approval of planning consent would be subject to the following conditions.

Recommended Conditions

- Access
- Construction Management Plan
- Off-site highways work

Original comment received 22.07.2022

Proposals

The site comprises of Harris Scrapyard and Oaks Farm. It is located within Southbourne approximately 8.7km to the west of Chichester and approximately 6.2km to the east of Havant. The site currently comprises a car breakers yard and two private properties with associated curtilage. The site is bordered by a railway line to the north, agricultural land and properties to the east, Main Road (A259) to the south and vacant land to the west.

It is proposed for 112 dwellings and a children's nursery. In terms of access the existing site operation has an existing vehicular access to the A259 Main Road via a ghost island right-turn lane. The road is subject to a 40 mph speed limit in this location.

The right-turn lane comprises of a right-turn pocket measuring approximately 1.8m wide and 10m in length. To improve this it is proposed to provide the primary access to the site from the A259 Main Road. An improved ghost island right-turn lane has been developed as part of these proposals. This arrangement provides a 3.0m wide right turn lane and 4.0m wide running lanes on the A259 Main Road which include the existing on carriageway cycle lanes. The highway aspect of the proposals are supported by way of a

Transport Assessment (TA) which includes a Stage 1 Road Safety Audit (RSA).

Comments

Discussions were held with the LHA in 2021 and a formal CDC pre-app in 2022 provided the scope of information required to support the proposals. This has included the access strategy, capacity testing and RSA requirements.

Upon inspection of the TA some of the points raised during the pre-application correspondence have not been addressed and some other areas require some further information from the applicant are:

- Visibility splays should be shown from the point of access onto the A259. Within the original Scoping Note it was demonstrated that visibility splays of 2.4m x 120m in accordance with the 40mph speed limit on the A259 Main Road are achievable. This should be provided in support of this full application.
- The RSA has been carried out in accordance with GG119 Parameters and a Design Organisation Response has been provided on the problems raised. It is advised that the Designer's Response to points 3.3.1 and 3.4.1 of the RSA are reviewed by the Auditor to confirm that they address the points raised.
- An inspection of the latest TA does not appear to show that a Design Audit (DA) has been carried out for the proposed A259 right-turn lane access. The LHA has not reviewed a DA at this stage and we would request this is carried out and reviewed by the LHA.
- Confirmation is required regarding access to the Chichester Caravans site and whether this was considered in detail as part of the RSA.
- Further details should be provided in relation to facilitating pedestrian crossing movements over the A259.

Capacity

Section 6 of the TA assess trip generation. The Trip Rate Information Computer System (TRICS) database provides a realistic estimate of the likely number of trips the proposals would generate. The residential component of the proposed development is anticipated to generate 57 trips during the morning peak, 56 trips during the evening peak and 517 trips throughout the day. The proposed nursery is anticipated to generate 15 trips during the morning peak, 13 trips during the evening peak and 53 trips throughout the day.

In accordance with the earlier pre-application discussions the following junctions have been assessed for capacity impact:

- Site Access/A259 Main Road;
- Saxon Corner/A259 Havant Road;
- A259/North Street/High Street roundabout junction;
- A259/Stein Road/Main Road/ The Crescent mini-roundabout.

The LHA has reviewed the information submitted in relation to the Capacity Testing which has been undertaken with Junctions 9 Software. The modelling results demonstrate that the trip generation associated with the proposed development can

be accommodated by the proposed improvement to the existing access junction. As such there should be no concern regarding the capacity of the access junction.

The modelling results demonstrate that the trip generation associated with the proposed development can be accommodated by the A259 Main Road/ Stein Road/ The Crescent mini-roundabout.

The proposed development on the A27/ A259 Havant Road roundabout is anticipated to be an increase of approximately 1.5% in the AM peak hour and 2.5% in the PM peak hour. This impact has been assessed by National Highways who in their consultation response did not raise an objection to the proposals on highways traffic impact grounds provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations. The LHA would concur with the results in the TA that this roundabout would not see an adverse impact on the of the roundabout or on WSCC's network.

Having assessed this section of the TA the LHA would therefore be satisfied with the proposed capacity assessment.

Conclusion

As outlined above some additional information would be required from the applicant in order for the LHA to provide further comment on the proposals.

WSCC Lead Local Flood Authority

Further comment received 09.01.2023

No objection.

We acknowledge the provision of the addition amended information. Please refer to our previous response dated 15th December. The final requirements have now been satisfied.

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water and ground water flood risk.

We have no further comments to submit with regards to this matter. Please consult the District Drainage Engineer.

Further comment received 15.12.2022

Holding objection.

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of groundwater and surface water flood risk.

Reference 1, As per communication 28/11/22 below:

"The LLFA have reviewed the resubmitted information after the positive online meeting and subsequent email chains. The LLFA is happy the majority of our queries/concerns have been addressed to remove any objection in principle.

The one outstanding issue is in relation to the site discharge rates after recalculation using most up to date best practice and guidance. I discussed this with Dom on Friday, we are in agreement with the observation made so far as that the developers consultants have used the correct parameters (CV1, previously 0.7) but applied it to the whole catchment rather than the impermeable area that has now worsened the discharge scenario. This is perceived to be a partial misunderstanding of our original comment. Site overall discharge needs to meet QBar. This would suggest that they may need to look again at storage to satisfy any additional concern. We are comfortable that once corrected and allowance calculated that any remaining elements can be appropriately conditioned. This would satisfy any Flood Risk and support the CDC Drainage Engineer comments."

We have the following comments to submit with regards to this re-consultation. Please continue to consult the District Drainage Engineer.

The final requirement remains outstanding however the LLFA would note that once received by CDC, on successful verification by the CDC Drainage Engineer that the revised situation works locally and can be appropriately conditioned. We will remove our holding objection.

WSSC Minerals & Waste

No objection.

Following a request for more information by the Minerals and Waste Planning Authority (MWPA) on the 11th of July 2022, the applicant has since submitted a Minerals and Waste Safeguarding and Infrastructure Assessment to accompany the planning application for the redevelopment of the site from its existing use as a scrapyards to a residential led mixed-use development comprising 112 new homes, a children's nursery and associated access, parking and landscaping. The MWPA would offer the following comments to the document, which shall be assessed as Minerals Safeguarding and Waste Infrastructure Safeguarding accordingly:

Joint Minerals Local Plan (2018)

The application site forms a 6.01 hectare plot and is accessed via the A259 from the south. The application site falls within a mineral safeguarding area for Sharp Sand and Gravel. The submitted Mineral Resource Assessment (MRA) concludes that, while there is an identified need for the provision of new land-won mineral sites as identified within the most recent AMR (2020-2021), the site would ultimately be unsuitable for prior extraction given the low quality of the mineral resource (identified through intrusive ground investigations), its proximity to local residential areas and other environmental restraints including the existing trees on site and proximity to the railway line to the north of the site.

While the applicant has not demonstrated the extent to which prior extraction would impact the amenity of nearby receptors beyond that of the non-mineral development, it is appreciated that the site is constrained by a variety of environmental factors that would limit the potential for any meaningful amount of resource to be extracted from the site. Further, the majority of the site is previously developed, and so taking this into account, would further reduce the practicality of prior extraction of the mineral resource.

Therefore, the MWPA would offer No Objection to the proposed development on a mineral safeguarding grounds.

WSCC Waste Local Plan (2014)

The proposal would result in the loss of a waste site that is currently used for metal recycling. This facility contributes some 1,200 tpa of operational capacity as identified within the AMR and is therefore considered to be a waste facility that makes an important contribution to the transfer of waste within the county. Accordingly, the proposed development should be assessed against Policy W2 of the Waste Local Plan (2014).

The applicant has submitted a Waste Infrastructure Assessment that concludes that the overriding need for the development as part of a wider scheme to deliver 1,250 new homes as identified within the Chichester Local Plan Review (2018) would outweigh the safeguarding of the waste infrastructure given its low contributions to the overall transfer of waste within the county.

The MWPA would note that Policy W2 of the Waste Local Plan seeks to safeguard waste sites where an alternative site use is proposed. The applicant has not suggested alternative sites where the existing capacity could be offset, and so it is concluded that the proposal would not meet the criteria within Policy W2 unless the LPA is satisfied that the redevelopment of the site would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for waste use (W2 (c)).

Therefore, the MWPA would offer no objection to the proposal, subject to the LPA being satisfied that the development would meet the criteria as discussed above.

WSCC PRow

Further comment received 18.01.2023

It is a great shame that Chichester District Council doesn't support a connection to the local Public Right of Way (PRow) and the many benefits that provides. Any such path would not have to be made a PRow so could be constructed sympathetically to the environment and trees, specifically for pedestrians only. With the construction of a small, appropriate bridge, no culvert would be necessary. Nor would any lighting. The vast majority of rural PRows are unlit and in this case, the connection to a PRow would not require lighting. I feel providing access to the footpath would not cause significant disturbance in itself however you may feel it would encourage people into an area you don't want them to access.

I stand by my previous comments that access to FP257 would provide a valuable leisure link northwards towards Hambrook and the South Downs National Park, a significant trip attractor. It is not unusual for pedestrians to find themselves walking along stretches of carriageway until they can continue onwards via the PRow network.

Regardless of your decision to seek a link, I hope you will support the need for a financial contribution of £15,000 towards mitigating against the impact of increased long term usage of the path this development will cause, regardless of how its users will access it.

Further comment received 06.01.2023

Objection.

None of the amended documents show Public Right of Way (PRow), Footpath (FP)257 immediately adjacent to the site's eastern boundary. The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way (Defra's Rights of way circular (1/09)).

The developer's stance that there will be no impact on the PRow because they are not providing a link to it is in contradiction to Chichester District Council's advice as stated in their Screening Opinion, namely *"Connections to the existing PRow network (i.e. Footpath 257 which runs largely adjacent to the eastern boundary of the site), giving residents alternative recreational options would be strongly encouraged. WSCC PRow Officers should be approached to explore securing these connections."*

The reasons supplied to Network Rail include there being no onward connection once reaching Priors Leaze Lane other than on the carriageway and there being no 'significant trip attractors' to draw pedestrians north.

In accordance with the National Planning Policy Framework (para 100), all planning policies and decisions will look to protect and enhance PRow and access, including taking opportunities to provide better facilities for users.

The existence of Footpath 257 is sufficient reason in itself to provide access to it. It does however provide a valuable link between the A259 and Hambrook, where pedestrians can then go north of the A27 towards the South Downs National Park via other PRow, a significant trip attractor. This is a leisure link that will be increasingly used with a growing population, particularly one that will be living immediately adjacent to it. All opportunities to improve active travel, promote physical and mental wellbeing should be taken.

I therefore lodge an objection on the basis that no link is being provided to Footpath 257. A link through should be provided and a financial obligation placed on the developer to fund improvements to the footpath to mitigate against the increased usage the development's new residents will inevitably make of it.

Network Rail will need to consider the safety implications of increased usage of the Copse crossing.

Further comment received 02.08.2022

Based on the average household size (2.4 people), the development can be expected to put approximately 288 people immediately adjacent to a connection with Footpath 257. Increased use of the footpath, as a direct result of this development is therefore inevitable. Should the development go ahead, WSCC PRow would seek a contribution of £15,000 to improve the surface of the footpath south of the railway line.

Original comment received 21.07.2022

Public Right of Way (PRow) Footpath (FP) 257 lies just outside but adjacent to the site's eastern boundary. Chichester District Council's Screening Opinion states "*Connections to the existing PRow network (i.e. Footpath 257 which runs largely adjacent to the eastern boundary of the site), giving residents alternative recreational options would be strongly encouraged. WSCC PRow Officers should be approached to explore securing these connections.*"

FP257 is acknowledged in the Framework Travel Plan but no mention is made of connecting to it. It is again mentioned within Landscaping / Constraints & Opportunities on Page 38 of the Design and Access Statement where it is stated however that there

are opportunities to create links from FP257. This would be through the Green Corridor which is welcomed. The chance to create a

connection should be ceased to promote opportunities for new residents to walk northwards to Priors Leaze Lane off-road, continuing onwards to Hambrook where more PRow provide access to the north of the A27. This would improve pedestrian connectivity, promote sustainable, active travel and well-being benefits to new residents.

Network Rail may wish to comment on the suitability of the at-grade crossing that FP257 crosses the railway via.

Given the increased usage of FP257 this development will inevitably lead to, a financial contribution should be sought to make improvements to the footpath such as to its surface.

WSSC Fire and Rescue Service

No objection, subject to securing additional fire hydrants for the proposed development. This is to ensure that all dwellings on the proposed site are within 150m of a fire hydrant for the supply of water for firefighting. Evidence will also be required that fire service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

Chichester Harbour Conservancy

Further comment received 21.09.2022

The Conservancy's original comments and concerns about the application, which were agreed by our Planning Committee, still stand. We would like to restate our commitment to the Hambrook Wildlife Corridor and urge CDC not to curtail their commitment to biodiversity and landscape by permitting a major development in this location.

Original comment received 18.07.2022

That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises an objection to the proposed development for the following reasons:

- The proposed development of this scale on the edge of the AONB (which in the context of the AONB would constitute 'major development') is premature and should form part of the formal review of allocations through the Local Plan Review and Southbourne Parish Neighbourhood Plan, as a strategy agreed

and adopted by the Council and local community that has undergone the rigorous tests of examination;

- Development of this fragmented site not directly adjoining existing settlement boundaries would begin to erode and undermine the countryside gap between Southbourne and Nutbourne West, contrary to AONB Management Plan Policy 1 and paragraph 1.10, Planning Principle PP04, as well as Local Plan Policy 43;
- There is not capacity at Thornham Waste Water Treatment Works to accommodate flows from the proposed development, with no guarantee that the necessary upgrades will be made in the near future; and the applicant has not demonstrated that the proposed private waste water treatment plant (which would discharge into the Ham Brook and Chichester Harbour SAC/SPA/Ramsar) would not have a likely significant effect on the designated sites and on water quality in Chichester Harbour;
- The applicant has not demonstrated how the proposed development would protect and enhance the Ham Brook chalk stream and wildlife corridor, as there is some conflicting information across the various plans and ecological statements submitted. This wildlife corridor links Chichester Harbour AONB and the South Downs National Park and should be expanded and enhanced rather than modified as part of a built development.

Chichester District Access Group

The Chichester District Access Group (CDAG) recommends that level access is provided to at least one entrance of each of the new dwellings. Together with the fitting of 900mm doorways and that regard is given to the height of the fitting of electrical outlets.

Within Blocks A, B and C the ground floor apartments, W.C. and bathrooms there is indicated on the plans a wheelchair circle space and wet room instead of a bath, therefore we are satisfied that these W.Cs / bathrooms can easily be converted for occupancy of disabled person(s).

It is also recommended that consideration be given to the streetscene; pavement levels and road crossings should be suitable for wheelchair users and people with mobility aids. Disabled parking bays should also be considered. Consideration should also be given to the access arrangements to amenities, such as shops, medical practices and public transport.

Within the nursery building it is recommended that a baby changing room and child disabled W.C and shower unit are provided. It is also noted there is no push chair / wheelchair lift to access the first floor activity room.

CDC Archaeology Officer

The CDC Archaeology Officer agrees with the conclusions of the Cultural Heritage Desk Based Assessment regarding the potential impact of this proposal on deposits of interest. The Archaeology Office also agrees that this would be best mitigated through a process of archaeological evaluation and further investigation as appropriate and that this should be secured via the imposition of a planning condition.

CDC Drainage Engineer

Further comment received 08.02.2023

Previous comments and recommended conditions all still stand (see response dated 12.07.2022 below) and the Council's Drainage Engineer has no additional comments to make at this time.

Further comment received 18.11.2022

The Council's Drainage Engineer has reviewed the applicant's response to the LLFA, the updated drainage strategy & FRA. The Council's Drainage Engineer only has one observation to make, and it relates to the following:

LLFA Comment - It is also noted that greenfield run off has been calculated solely for the hardstanding area rather than the whole site (para 4.13 of the Drainage Strategy). It is unclear that the simulations for calculating storm run-off and attenuation requirements, have been similarly based solely upon the impermeable area that if it is the case potentially invalidates the MicroDrainage default values that have been applied for Cv [see para 5.3.3 of the LLFA policy]. Finally, the FEH99 data is being used in the simulation rather than the updated FEH13 version. Simulations should be run with the updated FEH data.

Applicant Response: *"Noted, the calculations have been updated so that the greenfield runoff rate accounts for the entire site area, and the CV values have been updated to 1. The latest 2013 version of FEH data has also been used. The updated calculations have been appended to our report and the calculations section of the Drainage Strategy Technical Note updated to reflect the above."*

The Council's Drainage Engineer thinks that the comments of the LLFA may have been partially misunderstood, the restricted discharge (greenfield rates) designed based on the impermeable area (as was the case originally) is the correct approach.

The latest change will result in an increase in discharge from the site, which will not be acceptable from a flood risk perspective.

The change of the CV value to 1 is more positive, will better reflect the actual situation and thus ensure that sufficient storage is available. The Council's Drainage Engineer believes this was the concern the LLFA had.

The Council's Drainage Engineer recommends the applicant is asked to demonstrate that capacity will be available within the basins for the 1 in 100 year event + CC with a restriction to greenfield rates for the positively drained (impermeable areas) of the site. If this can be demonstrated then detailed design can be a condition of approval, as per the Council's original comments on the application (see below).

Original comment received 12.07.2022

Flood Risk: Parts of the site fall within fluvial flood zone 2/3 (significant flood risk), it is noted that the EA have been consulted and commented. There are some areas shown to be at significant surface water flood risk (greater than 1 in 100 year event) but these are associated with the existing watercourses and appear to be contained within open space.

Surface Water Drainage: The Council's Drainage Engineer has reviewed the comprehensive drainage strategy which includes groundwater monitoring, percolation tests and calculations for the 1 in 100 year event + CC. The proposal is a restricted discharge to the adjacent watercourse (Ham Brook) at greenfield rates (8l/s). The Council's Drainage Engineer is satisfied that the potential for infiltration has been ruled out (very high groundwater levels & poor infiltration rates) and therefore the approach is acceptable in principle. Surface water up to the 1 in 100 year event + CC will be attenuated in a series of structures including basins, tanks and permeable sub-base.

The proposed connection point is designated as a "main river" and therefore a permit for the discharge will be required from the EA. in this instance.

Conditions are recommended to secure full details of the proposed surface water drainage scheme and the maintenance and management of the SuDS system.

CDC Economic Development Service

The Economic Development Service (EDS) neither supports nor objects to this application.

At present the site is being used by a business for the breaking of motor vehicles, which falls under Suis Generis use class. The EDS understand it is a family business which has been in operation since 1948 and are also the owners of the land.

The business wishes to close due to the increased levels of regulation and intensification on the site that would be required should the business continue as a viable operation. There are five employees on the site and a family member who is not interested in carrying on with the business.

Introduction of non-commercial use in this location needs careful consideration. Although the EDS understand that agents acting on behalf on the applicants have advised that other commercial uses would be unviable due to the location of the site, being set back from the main road, nearby residential estates and the significant costs in decontamination.

In line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. As far as the EDS can ascertain there has been no extensive marketing campaign. Although the EDS understand this is due to the prohibitive nature of the site for alternative commercial uses.

Demand for workshop, warehousing and storage facilities appears to be high with nearby industrial sites and storage facilities at capacity. The loss of this commercial space to residential use will be permanent and reduces the economic base of the district. Although the EDS do appreciate the constraints on developing the site and it will bring forward the establishment of an important wildlife corridor.

CDC Environmental Protection Officer

Land contamination

A ground investigation report has been submitted produced by Geo Environmental dated Feb 2018. The report comprises a desk study (phase 1) report and a ground investigation report/initial risk assessment (phase 2). The work has been undertaken in accordance with accepted guidance and relevant criteria have been used in the assessment of soil and groundwater samples. The report concludes in section 6 and in summary the following is recommended:

- In view of the absence of significantly elevated contaminants within the samples of shallow soils tested from the western part of the site in which residential development is proposed it is considered that specific remedial measures are not required for the proposed residential development for the protection of end users. It is recommended that in accordance with current guidance, all areas of soft landscaping should incorporate a minimum depth of 150mm of Topsoil, suitable to act as a growing medium.

- In view of the elevated levels of petroleum hydrocarbons recorded in the shallow Made Ground in the eastern part of the site (WS19, WS23 WS24, benzo(a)pyrene recorded in the samples of Made Ground taken from WS14, WS15, WS18, WS24 and the asbestos recorded in the Made Ground in WS31) it is considered that remedial measures would be required for the protection of end users from the contamination identified. In the first instance it is recommended that additional targeted intrusive investigation and chemical testing of shallow soils should be undertaken in the vicinity of WS19, WS23 and WS24 to determine the extent and nature of the petroleum hydrocarbon contamination, with similar targeted investigation for the presence of asbestos in the vicinity of WS31. On the basis of the findings of the additional investigations it is considered that remedial measures may be required for the protection of end users from the contamination identified.
- On the basis of the ground gas monitoring undertaken, gas screening values (GSV) 0.1512 (methane) and 0.9744 (carbon dioxide) have been calculated. On this basis the site would be categorised as Characteristic Situation (CS)2, for which basic gas protection measures would be required.

The Council's EPO agrees with section 6 of the report and recommends that conditions are added if planning permission is granted in order to ensure that the recommendations from the ground investigation report are put in place at the development.

Noise and Vibration

Chapter 6 of the EIA submitted covers noise and vibration and a Stage 2 Acoustic Design Statement has been submitted (as an appendix to the EIA) produced by Clarke Saunders Associates. The assessments cover both existing noise and vibration that could affect future occupiers of the site and the impact from the proposed development on existing residential and other sensitive receptors. Section 6 of the EIA outlines impacts predicted during both the construction and operational phases of development. Providing the measures recommended are put in place, there should be no significant noise impacts as a result of the development.

Conditions should be applied to require the conclusions of the EIA and the Stage 2 Acoustic Design Statement (produced by Clarke Saunders Acoustics) to be put in place, see below:

- A potential for significant localised short-term temporary impact from the construction phase of the Proposed Development has been identified, where the work will be conducted in closest proximity to the residential receptors. These impacts would be satisfactorily mitigated and minimised through adoption of a CEMP and temporary site hoarding. A condition should be applied to require a CEMP to be submitted including the measures suggested within section 6.7 of Chapter 6 of the EIA.

- Noise impact from the surrounding road traffic and rail network on the proposed dwellings has been addressed following the principles of Good Acoustic Design set out in the ProPG guidance on Planning and Noise. A condition should be applied to require the measures proposed in sections 3.4.6 - 3.4.11 of the Stage 2 Acoustic Design Statement to be put in place in order to ensure that residual noise levels are acceptable.

Air quality

Chapter 5 of the EIA submitted covers air quality impacts and appendix 5.3 covers Dust Mitigation. The assessments have been undertaken in accordance with appropriate guidance and used acceptable criteria to assess the impact of the development. Chapter 5 concludes as follows:

- The assessment considered whether there is a risk of dust and fine particulate matter generation associated with the Proposed Development's construction phase. With the implementation of mitigation measures, the residual dust impacts during the construction phase are considered to be not significant when assessed following IAQM guidance. A condition should be applied to require a Construction Environmental Management Plan (CEMP) to be submitted. The dust mitigation outlined in Appendix 5.3 will be used to inform the CEMP.
- EPUK and IAQM guidance on air quality significance criteria indicate that the impact to existing sensitive receptors from traffic associated with the Proposed Development is negligible and not significant.
- In accordance with the Sussex-air partnership local guidance document, an emissions mitigation statement has identified a contribution of £30,337.00 is required. A selection of mitigation is identified which includes measures to limit private vehicle usage and potential contribution to wider air quality mitigation at local authority level. It is suggested that a condition is applied to require the emissions mitigation statement to be put in place at the site in order to reduce the impact of the development on local air quality.

Opportunities to increase walking, cycling and use of public transport by occupiers of the site should be explored in order to reduce vehicle emissions associated with the development. The site is located within a transport corridor where improvements to the network are being explored and the development should complement proposals being explored by WSCC and National Highways. It is noted that a draft Travel Plan has been included in the application documents which is welcomed.

It is noted that further analysis is provided in relation to the ecological effects of air quality effects in Chapter 8: Ecology.

Lighting

A lighting assessment has been submitted produced by DFL dated April 2022. The report has been produced in accordance with appropriate guidance and includes a

lighting strategy in section 7. A condition should be applied to require the lighting strategy proposed to be put in place at the site.

Construction

As detailed in the comments above, a Construction Environmental Management Plan should be submitted which includes measures to mitigate environmental impacts such as noise, dust, traffic, waste and light.

CDC Environmental Strategy Unit

Further comment received 12.01.2023

From assessing the amended plans, the changes which will affect our previous comments relate to the position of the pumping plant, and the addition of a line of trees to the east on the development side of the buffer zone.

We are pleased to see the inclusion of the trees as this will help maintain a dark corridor however looking at the spacing of these trees, we are concerned that by spacing them at 10m intervals it will be a number of years before they will provide a screen to the built development. The specification does mention that the trees will be up to a girth of 20cm and if a condition can be used to ensure that the trees are at least 15cm and native to the area we would be satisfied.

As above we are pleased to see the location change for the water pumping plant away from the eastern buffer zone and dark corridor. As with the previous location we would like planting to be used to screen the plant and restricted lighting away from the treelines and buffer areas.

Further comment received 03.11.2022

We are happy but the information which was provided within the letter dated 12.10.2022 relating to lighting and planting subject to a condition to ensure the waste water treatment plant is unlit and remains unlit.

Further comment received 06.10.2022

In relation to bats and the SAC, though this site is not within the buffer zone it is in close proximity to the buffer edge and given the barbastelle records found along the Hambrook above and below the site and the lack of survey work onsite we will assume the use of the site by SAC species and require mitigation based on this, so we are able to complete an HRA and AA. For the site as previously requested this mitigation is in the form of a full lighting plan and full details of the planting scheme onsite including any planting used to reduce light spill and also any additional mitigation being proposed above this.

We are pleased to see within the attached lighting plan that there is no street lighting to the east of the site along the wildlife corridor creating a dark corridor. Please can we have confirmation how wide this dark corridor will be, and what is the buffer distance from the corridor to the housing. We also require confirmation that there will be no external lighting within the waste-water treatment plant. We do feel that the bats impacts are mitigatable for this site due to the layout and lighting design, we however do need sufficient detail to make the AA a robust one.

With regards to the planting scheme being provided via condition, due to this being a full planning application we require that the planting plan is provided at this stage to confirm the level of screening between the buffer zone (attenuation ponds and play area) and the dark corridor (the stream). Due to the presence of dormice in the area to the North of the site we require that the planting scheme takes dormice into consideration and incorporate species of planting which would benefit dormice (e.g. late flowering berry producing species such as honeysuckle and bramble).

Further comment received 21.09.2022

Bats

Following submission of the letter dated 28.07.2022 relating to ecological comments, it has been confirmed that no transect surveys have been undertaken and so it is assumed that bats are using the site for foraging and commuting including the presence of barbastelle bats. Due to the present of Barbastelle and the sites location within the wider zone for Singleton and Cocking Tunnels SAC we are required to undertake a HRA for the site, including the Appropriate Assessment. For the AA without survey data we must assume on a precautionary approach that there is extensive foraging and commuting use by all bat species across the site and a mitigation strategy needs to be produced to reflect this. Before we are able to undertake the AA we require that a full mitigation strategy is produced for foraging and commuting bats which also includes a full lighting plan with lighting level controls (contours?) included, full details of the planting scheme onsite including any planting used to reduce light spill and also any additional mitigation being proposed above this.

Nutrient Neutrality

Within the nutrient neutrality calculations, the present land use of a substantial part of the site has been categorised as residential urban land. Please can further evidence be provided to demonstrate that the large field on the NW part of the site can be categorised as residential urban land.

Original comment received 06.07.2022

Nutrient Neutrality

As detailed within the Report to Inform Habitats Regulations Assessment Stage 1 And Stage 2 (June 2022) and Nutrient Budget Calculator the proposal will cause an

increase in nitrogen of 92.84 kg/N/yr. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this.

Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Wildlife Corridors and Chalk Stream

Within the illustrative master plan, we note that parts of wildlife corridor has been included within the wildlife buffer for the site however we are concerned that there will still be some development will be within the SWC and in other areas adjacent to it. Please can more information be submitted detailing the distances of the wildlife buffer from any works, information on planting and how this will used to screen light spill, mitigation to protect the buffer from harm or disturbance during and post construction and enhancements to the Wildlife Corridor area.

Bats

Bat Activity Surveys

We have a number of concerns regarding the Bat Activity Survey (Nov 2020) which have taken place and the missing data from the record search which was done.

Looking at the data records included it appears to be missing some survey data which showed Barbastelle bat activity close to the proposed site. As detailed within the Bat Survey work done by Nick Grey of Grey Ecology in 2020 to look at Bat Activity along the Hambrook there are records of Barbastelle bat activity close to the site both north and south. The activity survey was conducted between August and September and at the Farm Lane location (175m south of the site) there were 13 passes by Barbestelle bats recorded. At the Brook meadows survey location (1.2km north of this site) there were 3 passes. We are concerned that none of these records have been included within the Bat Activity Survey (Nov 2020) submitted as part of this application.

It also appears that the bat reports did not include any transect or loggers on the Scrapyard site which is very concerning, and the bat survey has only recorded bat activity across the western side of the site. Due to this we require that further bat activity surveys are undertaken across the eastern site of the site. We would expect these surveys to use automated static acoustic bat recorders recording sound signals between 15 155kz at a number of locations across the eastern site of the site. The recorders should be set to monitor and record automatically each day from 15 mins before sunset until 15 mins after sunrise for a minimum period of five days on three separate

occasions. The survey should also be undertaken during peak periods of bat activity in appropriate weather conditions. Following the survey a full analysis of the sound recording data should be performed by bat analysis software to isolate and identify bat species and number of bat passes.

Bat Emergence Survey

Following submission of the Bat Emergence /Return Survey Report (Jan 21) we are happy that the mitigation proposed for Building 2 onsite would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

Lighting

As detailed above until we have full bat survey data for the site we are unable to determine the use of the site by foraging and commuting bats and which species are also present. Lighting is going to be a key issue which will need mitigation and until we are able to determine the use of the site by bats we are unable to determine the requirements needed within the lighting scheme.

Dormice

There are dormice records 1.1km from the site following survey work done between April 2020 and July 2020 by Eco-support at a site northeast of this site. There is also strong evidence of dormice using the ancient woodland on the northside of the railway line. Due to these records and the suitable habitats onsite we require that further dormice surveys are undertaken. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application.

Over wintering birds

Due to the large amount of time which has passed since the previous over wintering bird survey which was done in 2017 and the location of the site to the SPA we require that a overwintering bird survey is undertaken again on the site to determine if there are significant number of birds using the site. Within this a survey for Brent geese will need to be included. If there is a significant number of birds using the site appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted as part of this application. We note that within the ecological letter dated 27th April 2022 it is considered that due to the high level of disturbance within the site and enclosed nature of the site, the site provides negligible suitability for wintering birds, however we disagree with this statement due to the records within the immediate area

Reptiles

Following submission of the Reptile Report (Jan 2021) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts

We are satisfied that following the eDNA surveys undertaken in 2020 Great Crested Newts were not present on site. As this is an outline application and the time since the previous survey work, we will require that these eDNA surveys are updated and the survey information for this submitted as part of a future reserve matters application to confirm this is still the case.

Water voles

Please can confirmation be given to the works taking place to the Hambrook. The Environment Statement states within paragraph 3.2.20 that the landscape and visual impact assessment influenced the design process including the re-routing of the Hambrook onto its original alignment through the former Harris scrapyards to improve its setting and biodiversity. However, in the ecological consultation letter (22 April 2022) it states that no works will take place to the Hambrook and a minimum of a 10m buffer will be incorporated. As these two approaches will have very different impacts on the Hambrook please can we have clarification as to which approach is being taken.

Badgers

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Biodiversity Net Gain

Biodiversity Net Gain needs to be considered as part of the application prior to determination. The applicant will need to provide details of how biodiversity net gain

will be achieved including submission of the biodiversity matrix. Example of enhancements we would be expecting to see include:

- Any trees removed should be replaced at a ratio of 2:1.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.
- Bird box to be installed on the buildings / and or tree within the garden of the property.
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Hedgehog nesting boxes included on the site.

Sustainable Design and Construction

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. As detailed within the Sustainability Appraisal and Statement (April 2022) at the time of writing the applicant was not able to complete the assessment following the updated Building regulations due to the SAP10 software not being available. Please can the Sustainability Statement be updated once this is available and prior to determination

CDC Housing Officer

The CDC Housing Officer appreciates the amendments that the applicant has made to adjust the number of 1- and 2-bed flats and recognises the overall contribution this scheme will make to the affordable housing programme.

The application is for 103 dwellings, of which 31 units are being provided as affordable. The applicant has not split out the percentage of social and affordable rent, so the Housing Officer has provided these calculations based on the current policy which is:

- First Homes - 25%
- Social Rent - 35%
- Affordable Rent - 22%
- Shared Ownership - 18%

The Housing Officer recognises the financial constraints with the delivery of 3+ bedroom First Homes and believe it is reasonable to adjust the percentage of 3-bedroom shared ownership properties to reflect this. Whilst the Council's Housing

Officer would have liked to have seen at least 1 x 4-bedroom rented dwelling they are happy to accept the amended mix proposed by the applicant.

The Council's Housing Officer is satisfied that the affordable housing is pepper potted across the site

CDC Policy Team

Further comment received 17.05.23

Please find below an updated comment from Planning Policy in relation to the above appeal.

The Chichester Local Plan 2021-2039:Proposed Submission has now completed 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination later this year (the Council's published Local Development Scheme anticipates Summer 2023). Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it. If development subject of this appeal is found acceptable in all other respects, it is essential that it makes the requisite contribution toward A27 improvements envisaged within draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network. The Council has now received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF.

If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039:Proposed Submission the previous 'holding objection' on this basis would no longer apply. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'plan-led' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'

Further comment received 13.02.2023

The adopted Local Plan and the 'made' Southbourne Parish Neighbourhood Plan represent the development plan and the starting point for the consideration of the application. Consequently, the application is contrary to adopted policy. The emerging Local Plan is now at Regulation 19, an 'advanced stage', and may start to carry weight. Whilst the policies and strategic approach are yet to be tested through examination, they are nonetheless a consideration in the determination of the application, and should be applied accordingly, including consideration of the potential for the above application to undermine those policies, and delivery of the Plan in general.

However, consideration of the application will need to take account of the potential benefits for additional housing set out in the section "current position" above. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'. In that respect consideration will need to be given to the potential overall benefits and merits of the scheme, and where appropriate the proposal is considered against the criteria in the Interim Position Statement for Housing.

There is an additional wider concern that the delivery of the overall new Local Plan, and associated infrastructure, could potentially be undermined by speculative rather than plan led development. Such development has the potential to lead to the erosion of opportunities to collect funding for the various elements of the Local Plan supporting infrastructure requirements, particularly the A27 contributions which are acknowledged as being extensive and essential to the provision of future housing. Consequently, this is a matter on which the

Council is seeking further legal advice and until such time as this advice is received, it is the recommendation of Planning Policy that application 22/01283/FULEIA is not determined, in the event the recommendation of officers were to be to permit.

Planning Policy therefore advise a holding objection at this time.

Further comment received 27.01.2023

On 24 January Council agreed the Pre-Submission Local Plan for Regulation 19 consultation, beginning 3 February 2023. From this point (Regulation 19) the Plan will be at an advanced stage of preparation and its weight as a material consideration in the determination of planning applications will increase. The emerging plan will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the strategic road network (A27). Any further permissions from 3 February that do not make provision toward this infrastructure potentially put at risk delivery of the identified infrastructure improvements. Officers are currently

taking advice on this issue and hope to be able to provide a more detailed response over the next few weeks. It is therefore the recommendation of Planning Policy that, for the time being, any applications for new housing (representing a net increase) on or after 3 February 2023 should not be determined for approval until further advice can be provided on this, and other policy related issues.

The comments below relate solely to waste water treatment.

A Position Statement in relation to waste water in the catchment of Thornham Waste Water Treatment works was agreed with Southern Water and the Environment Agency in November 2021. This Statement is supported by regular monitoring of permissions in the catchment, until the capacity reaches zero at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul Drainage SPD.

The Position Statement requires applicants to demonstrate that, taking account of both the latest Dry Weather Flow based headroom information and the needs of extant planning permissions yet to be built/ completed, sufficient headroom exists to serve the development, or alternatively that no net increase in flows to Thornham WwTW will result from the development. It should be noted that headroom capacity at the treatment works is a separate issue to that of capacity in the network (i.e. the pipes to transfer flows to the treatment works) . The network infrastructure charge and consequent upgrades which Southern Water aims to complete within 2 years relate only to the network and do not address capacity at the works.

At the time of response, the headroom monitoring table shows that, taking account of existing permissions up to 31st August 2022, there remains available headroom to treat flows from 170 additional dwellings.

Whilst monitoring indicates there is currently sufficient headroom to treat wastewater from the 112 homes proposed, the situation should be revisited at time of decision to take account of any other applications in the catchment granted permission in the meantime, whether in Chichester District or Havant Borough.

Should the remaining headroom at that time be insufficient for the proposed development, the applicant will need to set out how any development above the headroom can be delivered with no net increase in flows to Thornham WWTW.

The applicant should also demonstrate that no surface water from the development will be discharged to the public foul or combined sewer system. I note that the drainage strategy addresses this matter but am not able to comment on the detail.

[Officer note - the latest (April 2023) headroom monitoring for Thornham WwTW indicates the remaining capacity is 717.]

CDC Waste Officer

The Waste and Recycling Strategy Officer has reviewed the amended plans and is satisfied with the proposal from a waste collection prospective. No concerns are raised.

Third Party Representations

13 letters of objection have received from local residents including 'Friends of the Hambrook' commenting on the following:

- a) The Thornham Sewage Plant is over capacity already and this is leading to overflows in the harbour.
- b) The development will support around 150 vehicles and so should be refused until the surrounding road system has been improved.
- c) We should be aiming to slow down climate change. The development should be sustainable.
- d) The loss of the hedgerow that separates the scrap yard from the land to the wests would be notable.
- e) Concerns raised regarding the scope and locations of the survey for the reptile report.
- f) Concerns raised regarding the scope of the area conducted on the bat survey.
- g) The Biodiversity Net Gain Report under values and under reports some of the habitat to purposely lower the overall score.
- h) Concern regarding the quantum and density of the proposed development.
- i) It is not clear from the plans whether the developer has made provision within the designs of properties to include features which would be beneficial for wildlife.

- j) The scheme does not enhance the Ham Brook Strategic Wildlife Corridor in any significant way and it is considered the proposal would have a net negative impact overall in the short, medium and long-term timescales.
- k) The application should be considered in conjunction with other major developments in Southbourne Parish.
- l) More detailed assessment of the polluted areas and procedures for decontamination are required.
- m) Infiltration drainage is not suitable.
- n) Any surface water discharge into the Ham Brook is totally unacceptable, due to the flood risk downstream.
- o) A private wastewater treatment works will not be accepted by the Environment Agency and its discharge into the Ham Brook is totally unacceptable.
- p) The flood attenuation proposed is entirely inadequate for this development.
- q) The housing is on a green field site.
- r) This proposal is coming ahead of the Local Plan.
- s) The proposal is wholly in Nutbourne which is not designated as a settlement hub and has minimal amenities.
- t) No confirmation that the housing will be for local people.
- u) Local infrastructure (i.e. roads, education, health) needs improvement first.
- v) Roads are becoming busier and more dangerous and it is difficult to cross the road safely. The A259 cannot cope with any more traffic.
- w) Overcrowding has a really negative impact on people's mental health.
- x) With housing like this we will lose the uniqueness of village life between Chichester and Emsworth. It will become one long string of housing developments.
- y) Pedestrian routes are not safe and suitable.
- z) The application site is in the Village of Nutbourne, not Southbourne.

1 letter from the neighbouring property 'Amici' has been received commenting:

- a) We do not object to the proposal in principle but we do have some concerns. We are in direct contact with Metis Homes to resolve these but we also wish them to be formally noted by CDC Planning.

b) We request that the developer decontaminated our shared boundary on commencement of development.

c) We have asked the developer to erect a 1.8m brick wall with iron security railing atop along the length of our shared boundary on commencement of the development.

d) We request a planning condition for frosted privacy glass on the first floor windows on the south elevation of the Nursery.

e) The landscaping plan specifies grass and tree planting immediately outside our entrance which would block our access. We request that the plans are amended and resubmitted as soon as possible.

1 Letter of support has been received.